

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed May 20, 2005. Claims 1-17 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-17. The present Response amends claims 1-17, adds new claims 18-20, leaving for the Examiner's present consideration claims 1-21. Reconsideration of the rejections is respectfully requested.

I. Summary of Interview with the Examiner

During the interview with the Examiner on Aug. 10, 2005, the Applicant explained that the torch in the present invention produces a flame via combustion, which is inherently self-sustaining and thus distinguishable from the torches in *Selitser* and *Bejat* that need an external excitation source to sustain an electro-magnetically driven plasma. The Examiner indicated that the claims would be allowable over the prior art if amended to set forth such distinction.

II. Rejections under 35 U.S.C. §103(a)

1. Claims 1-3, 9-12, 16 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Selitser* in view of *Bejat* et al (hereinafter, *Bejat*).

In compliance with the Examiner's comments, independent claims 1-3, 16 and 17 has been amended to indicate that the torch is operable to "produce a flame via combustion." Therefore, neither *Selitser* nor *Bejat* can anticipate claims 1-3, 16 and 17. Since claims 9-12 depend on claim 3, *Selitser* in view of *Bejat* cannot anticipate claims 1-3, 9-12, 16 and 17, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

2. Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Selitser* in view of *Bejat* et al., and further in view of *Trassy*.

Trassy teaches an ICP torch that "includes an outer tube, an intermediary tube and a central injector"(column 1, line11-18), which also relies on external source for excitation. Thus, *Trassy* cannot anticipate a torch "operable to produce a flame via combustion" in claim 3. As discussed in the previous section, neither *Selitser* nor *Bejat* can anticipate the combustion torch in independent claims 3 either. Since claim 4 depends on claim 3, it cannot be rendered obvious over *Selitser* in view of *Bejat* et al., and further in view of *Trassy*, and Applicant respectfully requests that the rejection with respect to claim 4 be withdrawn.

3. Claims 5-7 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Selitser* in view of *Bejat* and further in view of *DePetrillo*.

DePetrillo teaches “generating a desired chemical species at or near a point of use such as the chamber of a reactor in which a workpiece such as a semiconductor wafer is to be processed” (Abstract), and thus cannot anticipate a torch “operable to produce a flame via combustion” claimed in independent claims 3 and 17. As discussed in the previous section, neither *Selitser* nor *Bejat* can anticipate the combustion torch in independent claims 3 and 17 either. Since claims 5-7 depend on claim 3, they cannot be rendered obvious over *Selitser* in view of *Bejat* and further in view of *DePetrillo*, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

4. Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Selitser* in view of *Bejat*, in view of *Wagner*.

Wagner teaches using a flame suppressor for a safer device and thus cannot anticipate a torch “operable to produce a flame via combustion” claimed in independent claim 1. As discussed in the previous section, neither *Selitser* nor *Bejat* can anticipate the torch in independent claim 3 either. Since claim 8 depends on claim 3, it cannot be rendered obvious over *Selitser* in view of *Bejat*, in view of *Wagner*, and Applicant respectfully requests that the rejection with respect to claim 8 be withdrawn.

5. Claims 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Selitser* in view of *Bejat*.

As discussed in the previous section, neither *Selitser* nor *Bejat* can anticipate the torch in independent claim 3. Since claim 8 depends on claim 3, it cannot be rendered obvious over *Selitser* in view of *Bejat*, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

III. Conclusion


In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: _____


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